

CHAPTER 5. SWIFT COUNTY SOLID WASTE ORDINANCE

SECTION 1. STATEMENT OF POLICY

It is the policy of Swift County to provide its citizens with a long term solution for managing solid waste generated within Swift County. It shall be the goal of Swift County to manage its solid waste in an economical and environmentally safe manner, by promoting the concept of composting solid waste and recycling so as to reduce the need for on-land disposal of solid waste.

SECTION 2. DEFINITIONS

- A. **Adequate container:** is a container used for storage of solid waste that is constructed of material that is durable, rust resistant, nonabsorbent, watertight, rodent and insect proof, and which has sufficient cover and handles.
- B. **Adequate turf:** a living ground cover of native perennial grasses or other suitable vegetation free of noxious weeds which provides sufficient ground cover to effectively prevent loss of final cover by winds or water erosion.
- C. **Agency:** the Minnesota Pollution Control Agency, its agent or representative.
- D. **Backyard Compost Site:** a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household, apartment, or single commercial office, a member of which is the owner, or lessee of the property.
- E. **Commercial Hauler:** any person who owns, operates, or leases vehicles for hire for the purpose of collection and/or transportation of any type of solid waste.
- F. **Compost Facility:** a site used to compost or co-compost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.
- G. **Compostables:** biodegradable materials including food waste, yard waste, wood and lumber less than 4 inches in diameter and less than 3 feet in length, paper materials that are not considered recyclable including (but not limited too) glossy paper, catalogs, books, magazines, coffee filters, tissue paper, cereal boxes, and paper board.
- H. **Composting:** the controlled microbial degradation of organic waste to yield humus like product.
- I. **County Board:** the elected officers composing the Swift County Board of Commissioners.
- J. **County Facility:** the Swift County Composting/Recycling facility located in Section 1 of Six-Mile Grove Township, Swift County, Minnesota.
- K. **Demolition Debris:** solid waste resulting from the demolition of buildings, roads, and other man-made structure including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock and plastic building parts. Demolition debris does not include asbestos wastes.
- L. **Demolition Debris Land Disposal Facility:** a site used to dispose of demolition debris.
- M. **Facility:** the land, structure, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

- N. **Garbage:** discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
- O. **Generator or Solid Waste Generator:** any person that generates waste.
- P. **Hazardous Substance:** the meaning given it in Minnesota Statutes, section 115B.02, subdivision 8.
- Q. **Household Hazardous Waste:** refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because its quantity, concentration, or chemical, physical or infectious characteristics may (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
- R. **Karst:** a type of topography that is formed from the dissolution of limestone, dolomite, or gypsum and that is characterized by closed depressions or sinkholes, and underground drainage through conduits enlarged by dissolution.
- S. **Land Disposal Facility:** any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.
- T. **Non-processibles:** solid waste which is not recyclable or compostable, including: Demolition debris, Styrofoam products, light bulbs, window glass, plastic and cellophane bags, aerosol cans, and toothpaste tubes.
- U. **Open Burning:** burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.
- V. **Operator:** the person or persons responsible for the operation of a facility.
- W. **Owner or Facility Owner:** the person or persons who own a facility or part of a facility.
- X. **Person:** any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency.
- Y. **Recyclables:** solid waste materials that have a market for reuse in their form or in manufacturing processes, including but not limited to the following: newsprint, glass containers, aluminum containers and aluminum scrap, corrugated cardboard, tin and bimetal containers, office and ledger paper, and recyclable plastic containers including polyethylene terephthalate (PET), high density polyethylene (HDPE), and low density polyethylene (LDPE) beverage containers.
- Z. **Recycling Facility:** a site used to collect, process, and repair recyclable materials and reuse them in their original form or use them in manufacturing processes.
- AA. **Refuse:** putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and market and industrial

solid wastes, and including municipal treatment wastes which do not contain free moisture.

- BB. **Refuse Collection Service:** a public or private operation engaged in solid waste collection and solid waste transportation.
- CC. **Solid Waste:** garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semi-solid, liquid, or contained gaseous form, resulting industrial, commercial mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
- DD. **Solid Waste Management Facility:** a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.
- EE. **Solid Waste Officer:** the person designated by the County Board as the Solid Waste Officer.
- FF. **Unacceptable Waste:** any hazardous waste, infectious waste, lead acid batteries, waste oil, auto hulks, and other solid waste that is normally collected in a separate waste stream.
- GG. **Waste Tire:** a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- HH. **Yard Waste:** the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

SECTION 3. PERMITS & LICENSES FOR SOLID WASTE FACILITIES

Subsection 3.1: License Required

Unless otherwise provided by this ordinance no person shall cause, permit, or allow real or personal property under the person's control to be used for the following solid waste management operations unless a license for that purpose has been granted by Swift County.

Licenses shall be required for construction and operation of:

- A. Solid Waste Land Disposal Facilities.
- B. Recycling Facilities.
- C. Composting Facilities.
- D. Waste Tire Processing or Collection Facilities.
- E. Demolition Debris Facilities.

Subsection 3.2: License Application

This license application for a solid waste facility shall include three sets of complete plan, specifications, design data and ultimate land use plans. Proposed operating procedures for a solid waste management facility must be prepared by a professional engineer registered in Minnesota. The applicant shall procure a proper zoning permit to accompany the application if required by the County Zoning Ordinance. The applicant shall also procure an Agency permit to accompany the application. No license shall be issued for a solid waste management facility unless the applicant has demonstrate to the satisfaction of the County Board the availability of revenues necessary to operate the facility in accordance with applicable state and local laws, ordinances and rules.

Subsection 3.3: Referral to Solid Waste Officer

After receiving an application for operation, the County Board shall refer such applications to the Solid Waste Officer who shall give their recommendations to the County Board concerning whether it should issue or deny the license. If an applicant is denied a license, such applicant shall be notified in writing of the reasons therefore by the County Board. A denial shall be without prejudice to the applicant's right to file a further application after revisions are made to satisfy objections specified as reasons for the denial.

Subsection 3.4: Compliance with Ordinances & Rules

The County Board shall refuse to issues a license to any operation which does not comply with this Ordinance, Agency rules and the county's solid waste management plan as provided for in the Minnesota Statutes.

Subsection 3.5: Bond

Issuance of any license pursuant to the provisions of this ordinance shall be contingent upon the applicant furnishing to the County a bond in an amount to be set by the by County Board. This bond shall name the County as oblige with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties. The condition of such bond shall be that if the licensee fails to comply with any of the requirements or fails to perform any of the acts required of an operation or cases to operation, and the County is required to expend any monies, or expend any labor or material to restore the operation to a condition in compliance with this Ordinance, the bond holder and the sureties on its bond shall reimburse the County for any and all the expenses incurred by the County to remedy failure of the licensee to comply with the terms of this Ordinance and the bond holder and its sureties shall indemnify and save the County harmless from all losses, costs, and charges that may occur to the bond holder or its sureties because of any default of the licensee under the terms of their license to operate in compliance with the terms of the ordinances of the County.

Subsection 3.6: Certificate of Insurance

In addition to the bond referred to in Subsection 3.5, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant securing, and furnishing to the County a copy of a certificate therefore, the following types of insurance issued to the licensee by insurers fully licensed within the State of Minnesota and in amounts to be set by the County Board; general liability including, but not limited to, bodily injury, property damage, motor vehicle, loading and unloading insurance.

Subsection 3.7: License Suspension & Revocation

Any license granted by the County Board under the provision of this Ordinance may be suspended by the County Board at any time for non-compliance with the provisions of the license, this Ordinance or applicable state laws or rules, or upon written notification to the licensee and the County Board by the Solid Waste Officer or by an authorized representative of the Agency that the continued use of the operation may endanger the health, welfare, or safety of the public or that the continued use may cause pollution or impairment of the environment.

The notice of suspension shall be deemed adequately served whenever it is served upon the licensee personally or by leaving the same at the licensed premises with the person in charge thereof. A copy of the notice of suspension shall be provided to the County Board. The County Board shall remove the license suspension only upon presentation of evidence acceptable to the County Board that the conditions which were cited as cause for suspension have been fully corrected. A license may be revoked only after the County Board has held a public hearing at which the licensee and other persons wishing to be heard concerning the operation shall have the right to be heard. The date of the hearing for license revocation shall be set by the County Board and shall not be held earlier than ten calendar days after notice of said hearing was mailed to the licensee. Evidence may be adduced in a manner consistent with the rules of evidence applied in civil cases. A transcript therefore shall be made by tape recording or other suitable technique. If, pursuant to said hearing, the County Board may revoke the license or continue such suspension in effect until the operation has demonstrated that full compliance with the provisions of the license, this Ordinance, State laws and State rules has been attained and that such compliance will be continued in the foreseeable future.

Subsection 3.8: Inspections

The licensee shall allow authorized representatives of the County or the Agency access to the facility at any reasonable time and upon presentation of appropriate credentials for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance, and any other applicable statute, ordinance, or rule.

Subsection 3.9: License Transfer

No license issued under this Ordinance may be transferred without written approval of the County Board. In case of a transfer of ownership, the licensee shall notify the Solid Waste Officers sixty (60) days in advance of the date of effective transfer of ownership.

Subsection 3.10: Agency Permit & Rules

Nothing in this Ordinance shall relieve a licensee from the requirements of obtaining an Agency permit and compliance with Agency rules. Copies of all applications, licenses or permits submitted to the Agency or granted by the Agency shall be filed by the licensee with the Solid Waste Officer.

Subsection 3.11: Backyard Compost Sites

No license shall be required for a single household or business prior to operating a backyard compost site for yard waste provided that the site is located on the property of the owner, occupant or lessee of the single household or business and provided that the site shall not contaminate the air, water, or cause rodent problems or create a nuisance.

SECTION 4. COLLECTION AND TRANSPORTATION OF SOLID WASTE

Subsection 4.1: Responsibility for Collection & Transportation

The owner, lessee or occupant of any premises, business establishment or industry and/or Commercial Hauler shall be responsible for the satisfactory collection and transportation of all solid waste accumulated at a premises, business establishment or industry to a solid waste disposal site or facility for which a permit has been issued by the Agency unless otherwise provided in this Ordinance.

Subsection 4.2: Vehicles & Containers

Vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or refuse containing such materials, shall be covered, leak proof, durable, and of easily cleanable construction. These shall be cleaned to prevent nuisances, pollution, or insect breeding, and shall be maintained in good repair.

Subsection 4.3: Spillage

Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill there from and shall be covered when necessary to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

Subsection 4.4: Compliance with Law

The collections and transportation of solid wastes, toxic wastes, and of hazardous wastes shall be in accordance with this Ordinance and all pertinent statutes and Agency regulations.

Subsection 4.5: Commercial Hauler License

- A. No Commercial Hauler shall collect and transport solid waste or hazardous waste unless the commercial hauler has first obtained a license to do so from the County Board. Commercial Haulers that are owned and operated by Swift County or any incorporated municipality within Swift County shall be exempt from county licensing.
- B. Each Commercial Hauler license issued by the County Board shall expire on December 31st of each year. Such licenses shall be renewed by the County Board upon application by the Commercial Hauler and payment of the license fee, which shall be set by resolution of the Board.

Subsection 4.6: License Application

Persons intending to engage in the business of being a Commercial Hauler must file an application with the Solid Waste Officer for initial issuance of license, using forms provided by the County. The Solid Waste Officer shall review each application and forward the same to the County Board with a recommendation for the issuance or denial of license. Such application to the Solid Waste Officer and subsequent annual renewals shall contain the following information:

- A. The name and address of the applicant.

- B. A description of each vehicle to be used for solid waste collection, including the vehicle identification, make, model, the capacity of the body or the capacity and number of rollofs.
- C. The date of the last State of Minnesota safety inspection of the vehicle.
- D. The location and address describing the place where the applicant is storing their equipment/vehicle.
- E. Current copy of certification of insurance, indicating insurance coverage in an amount not less than \$600,000.00 combined single limit per occurrence for bodily injury and property damage for the period of the license and including the name of the insurance carrier, its agent, policy number, and effective dates.
- F. A map of the area of each city, township, and county served.
- G. The type and number of location served and the estimated weekly weight of volume of solid waste collected.
- H. Submission of a description of the route to be followed by all solid waste collection and transportation vehicles between the area of collection and the solid waste operation, which route shall be subject to approval by the Solid Waste Officer.
- I. Other information the County may reasonably require including applicant's signature, and a statement that the applicant will comply with all terms of this Ordinance and pertinent statutes and rules.

Subsection 4.7: License Not Transferable

Commercial Waste Hauler licenses are not transferable to any other person.

Subsection 4.8: Investigation of Complaints

Each Commercial Hauler shall investigate any complaint about employees, equipment, and service. Whenever a complaint is referred to a Hauler by the County, a written report shall be made by the Hauler to the Solid Waste Officer within fifteen (15) days, setting for their investigation findings and action on such complaint.

SECTION 5. SOLID WASTE STORAGE

Subsection 5.1: Person Responsible for Storage

The owner, lessee, or occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at the premises, business establishment or industry to a solid waste disposal site or facility, for which a permit has been issued by the Agency. No building, structure, area, or premises shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for sanitary and safe storage, collection, transportation and disposal of all solid wastes.

Subsection 5.2: Separate Containers

Separate containers shall be used to allow for the separate storage of recyclables, compostables and non-processibles.

Subsection 5.3: Container Construction

Recyclables shall be placed in the container provided by Swift County to single households. All other persons shall place recyclables in a separate container clearly marked for recyclables. Compostables shall be placed loose in an adequate container. If a plastic bag is used for compostables before being placed in an adequate contain the bag shall be clear and shall remain open and untied to allow the contents to be easily removed for composting. Non-processibles shall be placed in clear bags that have sufficient strength to securely contain the contents. The bags shall be securely tied or closed to prevent the contents from mixing with compostables upon collection. Non-processibles need not be placed in clear bags if it is too large for a bag, is easily identifiable as a non-processible and can be easily removed from the compostable waste stream.

Subsection 5.4: Container Maintenance

All solid waste containers shall be maintained in a neat, clean, sanitary, and leak-resistant condition by the container's owner to prevent insect breeding, nuisances, and unsightly conditions. Containers shall be maintained by the property holder or by the commercial hauler, when supplied by them.

Subsection 5.5: Frequency of Container Service

Solid wastes shall not be stored on public or private property for more than two (2) weeks without the written approval of the Solid Waste Officer.

Subsection 5.6: Toxic and Hazardous Waste

All toxic and hazardous wastes shall be stored in accordance with state rules administered by the Agency.

SECTION 6. SWIFT COUNTY COMPOSTING/RECYCLING FACILITY

Subsection 6.1: General

- A. The County Facility has been specifically designed for the composting and recycling of solid wastes. All non-processibles received by the County Facility are transported out of Swift County for land disposal. The high cost of transporting and disposing of non-processibles is greatly increased when recyclables and compostables are not properly separated from the non-processible waste stream.
- B. The County Facility can operate in an efficient and cost effective manner only if all solid waste generators using the facility properly separate their solid wastes before collection or delivery to the County Facility.

Subsection 6.2: Mandatory Solid Waste Separation

Unless otherwise provided in the Ordinance, each solid waste generator utilizing the County Facility shall separate and store their solid wastes into three categories: recyclables,

compostables, and non-processibles. It shall be the responsibility of each solid waste generator to properly separate solid wastes before collection or delivery to the County Facility.

Subsection 6.3: Exception to Mandatory Separation

Any person that owns solid waste containers and makes those containers available and open for use by the general public under such conditions that would make it an unreasonable health or safety risk for the owner to be required to separate the public solid wastes – such person may apply to the Solid Waste Officer for a permit for exemption from mandatory separation.

Exemption permits shall be granted by the County Board only for those solid waste containers that are open to the general public and not under the continuous control of the applicant, their agents or employees. Each exemption permit issued by the County Board shall expire on December 31st of each year. Such permits may be renewed upon the filing of an application and payment of the annual permit fee, which shall be set by resolution of the County Board. Any person granted an exemption permit shall store and transport all exempted solid wastes in the same manner as non-processibles.

Subsection 6.4: Exemption Permit Application

Any person wishing to be exempt from mandatory separation must first apply for and receive an exemption permit from the County Board. Application shall be made to the Solid Waste Officer on an approved form which shall include the following:

- A. The name and street of the applicant.
- B. A description of the number, size and location of the public solid waste containers on the premises of the applicant.
- C. The estimated weekly weight or volume of solid waste collected in said containers.
- D. A statement of facts which the applicant believes entitles them to an exemption permit;
- E. Payment of annual permit fee to be established by resolution of the County Board.
- F. Any other information the County may reasonably require.

The Solid Waste Officer shall forward the application and permit fee to the County Board along with their recommendation for the issuance of the exemption permit.

Subsection 6.5: Collection of Improperly Separated Solid Waste Prohibited

Except as provided in Subsection 6.3 no person, including a commercial hauler, shall collect or transport improperly separated solid waste to the County Facility. A commercial hauler shall leave improperly separated wastes at the premises of the violation to the solid waste generator and promptly report the nature and location of the violation to the Solid Waste Operator, who shall notify the generator of the violation and action necessary to correct it.

Subsection 6.6: Delivery of Improperly Separated Waste to County Facility

The Solid Waste Officer or their designee shall inspect each load of solid waste delivered to the County Facility and determine whether each such load complies with the mandatory separation requirement.

- A. Upon such inspection, if the Solid Waste Officer or their designee suspects that a load is not in compliance with this Ordinance the following shall apply:
 - 1. The County Facility personnel shall mix said load and from said load shall remove a three percent (3%) sample, by weight.
 - 2. All improperly separated recyclables and non-processibles shall be removed from the compostables and weighed.
- B. If the weight of said materials exceeds twenty percent (20%) of the total weight of the three percent (3%) sample, the entire load is presumed to be improperly separated.
- C. If the Solid Waste Officer or their designee determines any load of solid waste to be improperly separated as described in 6.6 (b) or for any other reason, they shall issue a written notice of noncompliance to the person delivering the load. The notice shall include the following information:
 - 1. Name and address of the person delivering improperly separated solid waste.
 - 2. Date and time of delivery.
 - 3. Total weight and /or volume of the delivered waste.
 - 4. Description of the nature of the violation.
 - 5. Notice that the person may appeal the decision of the Solid Waste Officer to the County Board within ten (10) days. The time and procedures for an appeal shall be determined by the County Board.
- D. Any person delivering improperly separated solid wastes to the County Facility shall choose of the following options:
 - 1. Removal of the improperly separated solid wastes to another solid waste facility licensed by the Agency.
 - 2. Disposal at the County Facility by paying the regular tipping fee plus an additional 100% thereof as a penalty.

Subsection 6.7: Acceptable Special Wastes

- A. Upon payment of the fees to be set by the County Board and posted at the County Facility. The County Facility shall accept the following special wastes:
 - 1. Major appliances.
 - 2. Televisions and microwaves.
 - 3. Mattresses and box springs;
 - 4. Waste Tires.
 - a. 16-inch rim size or less;
 - b. More than 16-inch rim size;
 - c. Large implement tires.
- B. The County Board may adjust the fees for acceptable special wastes at any time by resolution.

Subsection 6.8: Unacceptable Special Wastes

The County Facility shall not accept inoperable motor vehicles or parts, waste oil, lead acid batteries, infectious wastes, or toxic or hazardous waste.

Subsection 6.9: Disposal Fees

Except as otherwise provide in this Ordinance, all persons delivering solid waste to the County Facility shall pay a disposal fee to the Solid Waste Officer. The disposal fee shall be based upon the weight of the delivered solid waste. The disposal fee shall be set by resolution of the County Board and may be adjusted periodically to reflect the cost of operations, facility maintenance, public education, publicity, land disposal costs, and any other factors the County Board may determine to have an impact on the reasonableness of the disposal fee.

Subsection 6.10: Curbside Recyclables Pickup

- A. Swift County or its agents shall offer free weekly curbside pickup of recyclable materials to all single and double family residential dwellings in incorporated cities in Swift County. This service shall be coordinated with the pickup or collection of compostables and non-processible materials.
- B. Ownership of recyclable materials placed for collection by Swift County its agents shall be vested in Swift County. It shall be unlawful and a violation of this Ordinance for any person, firm, or corporation other than the owner, lessee, or occupant of the residential dwelling, to pickup said materials for his/her own use.

SECTION 7. TERMINATION OF SOLID WASTE OPERATIONS

All land disposal facilities including those heretofore abandoned shall be closed in accordance with pertinent statutes and Agency regulations. The person or persons having the responsibility for the operation of the site shall properly complete the disposal site closure record and submit it to the Solid Waste Officer.

SECTION 8. NONCONFORMING SITES & FACILITIES

Solid waste management facilities in existence on the effective date of this Ordinance and operation of such facilities shall conform to the provision of this Ordinance no later than sixty (60) days after the adoption of the Ordinance, or terminate operation no later than that date unless granted a variance by the County Board.

SECTION 9. VARIANCES

- A. Upon written application by the applicant or operator the County Board shall grant variances from the provision of this Ordinance requiring adherence to certain statutes and Agency regulations, if and only if a variance from the provisions of such statute and Agency regulations has first been granted by the Agency.
- B. Upon written application by the applicant or operator, and in accordance with the following provisions, the County Board may grant variances from the other provisions of this Ordinance in or to promote the effective and reasonable application and enforcement of the provisions of this Ordinance. The written application shall contain such information as the County may require from time to time.

- C. A variance under this subdivision may be granted by the County Board after a public hearing where the County Board determines that enforcement of this Ordinance would cause the applicant undue hardship, or that the Ordinance cannot be complied with due to technological impossibility or economic unreasonableness. Such a variance shall not be granted for a period in excess of two (2) years, but may be renewed upon application of the applicant and after a public hearing. A variance may be revoked by the County Board after a public hearing and prior to expiration of the variance.

SECTION 10. ADDITIONAL REQUIREMENTS

For the purpose of protecting the health, safety and welfare, the County Board may impose additional requirements consistent with the intent of this Ordinance for the operation of solid waste facilities.

SECTION 11. SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- A. If any Court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect the validity of any other provisions of this Ordinance not specifically included in said judgment.
- B. If any Court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular structure, site, facility, or operation, such judgment shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgment.

SECTION 12. VIOLATIONS

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- A. Any violation of statutes or Agency regulations with which compliance is required by this Ordinance is also a violation of this Ordinance.
- B. Any person who shall violate or fails, neglects, or refuses to comply with the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished therefore as provided by Minnesota law. A separate offense shall be deemed committed upon each separate day during or on which a violation occurs or continues. The County is responsible for the enforcement of this Ordinance.
- C. The Ordinance, in addition to other remedies, may be enforced by injunction, action to compel performance or other appropriate action in District Court to prevent, restrain, correct or abate violations.

SECTION 13. OTHER ORDINANCES & REGULATIONS

Swift County does not release any of its Solid Waste Management powers under Minnesota Statutes and Agency regulations to other local units of government. If any regulations, existing or hereafter adopted by any other local unit of government, conflict with the intent of this

Ordinance or the Swift County Solid Waste Management Plan, this county ordinance and the plan shall prevail.

SECTION 14. REPEAL & EFFECTIVE DATE

This Ordinance repeals and replaced in its entirety the Solid Waste Ordinance passed on July 23, 1991. This Ordinance shall be in full force and effect upon publication and passage as provided by law.

Passed by the Swift County Board of Commissioners on February 15, 2011.

(Seal)

Chairperson

Attest:

County Auditor

Approved as to form and execution:

County Attorney